P 11E MYSORE

Home (195 3) Department.

Passed

Rt. SERIES.

G.O. No. 2536.

Dated 20th July, 1953.

FOR MYSORE STATE

[Despatch Abstract.]

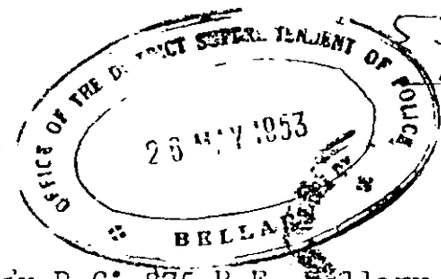
VALI SAHIB, S/o Ex.Constable 875 of Bellary district - Removal from Service - Petition to Government for reinstatement Rejected.

C.No.569/APR/53 8608/PR (1)

G.O.M.S.No.465 Dt. 1-4-1953.

53/appl/53

To:- The Secretary,(Police)
Home Department,
Madras.



Sir,

Sub:- Vali Sahib S. Ex-P.C. 875 B.E. Bellary
Bellary Dist. Removed from Service
Serious Disabilities in duty-- Statutary
Rules contravened--
MEMORIAL PETITION.

Ref:- D.I.G. of Police, Cr. Bellary C.No. 314
Appl 52 dated 30-9-52.

2. D.S.P. Bellary C.No. 431-51 dated 2-5-1952
(both enclosed)

The petitioner S. Vali Saheb Ex. P.C. 875, Pulmut Talim, Zarak Banda, Adoni--humbly submits that he was a P.C. of four years substantive service that he is an Ex. ~~army~~ armyman who worked three years during the second World war, that he worked in the Nallamala Communist Bondabust at Kranapadu for over three months and that ~~the~~ earned two rewards and detected six I.d. cases in Alur Taluk. The petitioner has been unjustly accused and the disabilities in the way of his work were not considered by the D.S.P. in ordering punishment. The charges were also unjust and the minute was on facts not found in the charge and also on details not made known to the Petitioner. The D.I.G. also erred in his judgment on the appeal. Hence the appeal.

2. The petitioner was enlisted in 1947 and in January 1948, he went to work in Local police in Bellary District. Ever since, he was posted to work in Guard duty - in Siriguppa Taluk, Alur Taluk and Adoni Taluks. During the three and a half years from January 1948 to August 1951 he worked as below:-

Sentry Guard of Subjail	about 832 days
Escart of Prisoners to Bellary and Madras.	80 days
Communist Bandobust in Erapapad	3 months.
	967 or 2 years 7 months

This practically he was kept in guard work or escart. In June 1951 he was sent to Kurnool for Communist Bondobust and at the end of August 1951 he returned back. There he had to work in Malarial forest and contracted Malaria. After his return he was posted to Guard work and put to endless trouble.

3. (i) On 25-8-1951 he reported to the Sub. Inspector at Adoni for leave. He was not granted leave or pass port. He was obliged to work on Guard duty. Malaria is a peculiar sickness which comes all of a sudden with chill and fever and goes away of its own accord a little time after. On the night of 30-8-1951 when he was on Guard in the subjail at Adoni, the A.S.P. Adoni checked the guard. The petitioner had an attack of fever and chillness and so he was shivering with malaria and could not turn out in good discipline. This was taken to the petitioner's neglect while on duty. The petitioner heed the musket in position and duly replied to the A.S.P. The petitioner handed his musket to P.C. 973 when

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when the guard officer relieved him and the Guard officer gave a pass port to the petitioner to go to the Hospital for treatment.

ii. He was treated as below:-

Inpatient in Adoni Hospital : 31-8-1951 7A.M
to 2-9-1952 ::: 3 days

Leave on Medical certificate:
from 3-9-1952 for 8 days

Inpatient Kurugod Hospital 9-9-1951
to 15-9-1951

Leave on Medical certificate:
from 16-9-1951 1 month.

Thus, though the petitioner was sick with Malaria, he was forced to be on duty, he was not given relief and he has been found fault for not being in discipline on 31-8-1952.

Thus the serious set backs, continuous work on guard, Escort and Communist Bandobust for over 2/3 of the period he worked and not sending him to Hospital when sick - were not taken for consideration.

iii. The petitioner was given a supplementary charge on 4-12-1951 and the Instances shown therein are:- (Copy of charge enclosed)

P 11 wtfor

1. Suspension for 15 days in 54/50
II. Sleeping on Guard duty on 31-8-1951
(Main charge)

But those considered in the minute are different They are: 1. Delay for duty on 29-4-1949 R.R.42/49
(New case)

II. R.R. 54/50 suspension in Jan. 1950 (Shown xn in Charge)

III. Neglet of stranger's beat duty on 29-1-1951 to 9-2-1951 P.R. 168/51 (New case)

The first and last P.R. 427/49 and 168/51 are new cases introduced into the minute at the finding stage of which the petitioner had no idea.

This has initiated the enquiry.

4. Finding: 1. When the superior officer check the Guard and finds the Guard in active, he has to take the musket and get the entries made by the Guard officer. The G.D. shows that this is not the case. The petitioner was active. He himself handed over his musket and Bullet Balls to P.C. 973 and wanted relief on that night of 31-8-1951 at about 1.40 A.M. He was in various Hospitals from 31-7-1951 7 A.M. for 1½ months. Thus, his physical disability is certified by the Government Medical officer.

2. The finding of the first charge is based on the deposition of the Guard officer who was awaken by the petitioner when the A.S.P. (Enquiry officer) come to Guard. This could not be the basis so the finding is not of value.

3. There is no finding for the supplemental charge The memo of charge dated 4-12-1951 served on the petitioner contains two items only P.R.54/50 and the allegation in charge No. 1 Thus the Charge could not stand. The A.S.P. on this account

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has remarked that "The Delinquint's representation of the strenuous work in Kurnool and of his posting to Guard duty soon after his return from Kurnool deserves to be given due weight. The D.S.P. is not justified to take the second charge as proved. This amounts to a punishment for which there is no finding.

5. Punishment: The petitioner is a family man. He is poor. He has no property to depend upon. Due to his havingworked in war and of his honest work of over five years in the Police, he could not go in for any other profession in these days of Retrenchment and un-employment. The punishment is beyond all granting other offence alleged. The disabilities created in his way, the rewards earnedd by him and the good work done are left out of account The second charge is not supported by a finding even. So the punishment is unjust and uncharitable.

6. Prayer: The petitioner has not committed any real offence. The enquiry is initiated as the charge No. 2 as served and as shown in the minutes differ. Thene are no findings based on evidence. For these and other details to be explained in a personal interview, he prays that the order of punishment may be set aside and that he may be permitted to enter his offence.

For this act of justice and charity he would be highly gtareful,

S. Vali Saheb EXP.C.875
Yours faithfully, 16-4-53.

From: S.Vali Saheb, Ex.P.C.875,
Pullumatta Talim, JarakaBanda
Adoni Town.

1/01

OR Dis 401/53-A6

Endt No. 74931 Pol II/53-1 me Dept. dt 22-4-53

Returned to the petitioner for submission through the proper channel

(By Order)

V. Thillaigovindy
Assistant Secretary to Govt

16453
16.4.53

To.

(1). S Vali Sahib,
Ex P.C 875,
Pullamatta Taluk,
Taraka Banda.
Adoni town.

~~Forwarded~~ to the petitioner for addressing the ~~Home~~ Memorial through the proper channel as already directed ~~by~~ above

By R.P.A.D.

~~Address~~

(2).

D Police
Bellary
13/5
14.5.53

Submitted

23/5/53. As the Ex.Pe was removed from service while he was on duty at Hospet he has submitted the papers through Hospet ~~Police~~

~~submitted to Deputy Police Bellary~~ A.S. Police Hospet
20/5/53

AMKR
21/5

Forwarded
ASP II
23/5

Office of the
Dist.Supdt.of Police, Bellary,
Dated 30 June 1953.

C.No.53/Appeal/53.

Forwarded to the Inspector-General of Police, Madras through the Deputy Inspector-General of Police, Central Range, Bellary.

2. The enclosed is the memorial of Ex.P.C.875 Vali Sahib of Bellary District addressed to the Secretary, Home Department, Madras against the orders of the Dt.Supdt.of Police, Bellary in P.R.No.431/51 dated 22-6-52 removing him from service. He appealed against this order to the Deputy Inspector-General of Police, C.Range, Bellary and it was rejected by D.I.G.in his C.No.314/Appeal/52 dated 30-9-52. He then submitted a memorial to the Inspector-General of Police, Madras and the Inspector-General of Police declined to interfere in R.C.No.18-A/P.R/53 dated 23-1-53. Copies of these orders are enclosed.

3. The following are my remarks on the memorial para wer.

Para 1: There is only a narration of facts and calss for no remarks.

Para 2: He has to work wherever he is posted. There is no motive for anyone to put him into trouble.

Para 3(i): He never asked the Sub Inspector for leave.He never turned out when Asst.Supdt.of Police, Adoni checked the Sub-Jail Guard on the night of 30-6-51. He was fast asleep. The memorialist was relieved by P.C.973 only after the delinquency was noticed by the checking officer.

Para 3(ii): Memorialist received treatment in Hospital whenever he reported sick. He was taken for duty only when he was discharged fit.

Para 3 (iii):There was no irregularity in the procedure followed. As contemplated by the Rules the supplemental charge was given only after coming to a conclusion on the original charge. The supplemental charge dated 13-2-52 contained all the previous punishments including an idential delinquency on 3-1-1950.

Para 4 (1(2) and(3): These points have been fully discussed in para D of the minute.

Para 5: Calls for no remarks.

Para 6: This is only a prayer. There is no irregularity in the procedure.

Dt.Supdt.of Police, Bellary.

SMI/-2.6.

Enclosure:-1.

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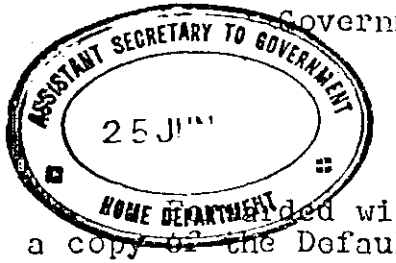
Sub: Vali Sahib, S. - Ex-Constable 875 of Bellary District - Removal from service - Petition to Government for reinstatement.



R.C.No. 569/A/PR/53.

I am directed to forward herewith copies of orders petitioned against and a copy of the Defaulter Sheet of the petitioner.

2. A copy of the remarks of the District Superintendent of Police, Bellary in his endorsement C.No. 53/Appeal/53, dated 3-6-1953 is enclosed.

3. The petitioner was aged 31 years and had put in a service of 5 years and 13 days at the time of his removal from service.

Office of the
Inspr.-Genl.of Police,
Post Box No. 601, Madras-4,
Dated 24th June 1953.

for Inspr.-Genl. of Police.

To

The Secretary to the Government of Madras,

Home Department.

PNN/23/6.

23/6

131113

25/6

62/20/7

[C.No. 131443 Pol II/53].

Home Dept.

Issue and DKt pc

G.O.R.No. 2536 dt. 20/7/53

Vali Sahib, S- Ex. constable 875 of Bellary district - Removal from service - Petition to Govt. for reinstatement - Rejected.

Read:- From the I.G of Police, R.C.No. 569/A/PR/53. dated 24.6.53

Order:-

The petitioner should be informed that the Govt. decline to interfere.

19/7

18.7.53

To

The I.G of Police, Madras 4

(4 copies and pp 11-12 cf.)

copy to Andhra State.

(C.No. 131443 Pol.II/53)

HOME DEPARTMENT.

Vali Sahib, S. Ex-Constable No. 875 of Bellary Dt. - Removal from service - Petition to Govt. for reinstatement.

From the I.G. of Police, R.C.No. 569/A/PR/53 d/ 24-6-53.

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S. Vali Sahib Ex.constable No. 875 of Bellary Dt. was removed from service on the charge of 'gross neglect of sentry guard duty in Adoni cusba station subjail on 30-8-51 night'. In the petition at pp. 1-9 cf. the ex. P.C. has requested that he may be reinstated in service.

2. The delinquent was a Police constable working in Adoni Cusba station. On 30/31-8-51 night, he was sentry-go from 12 midnight to 3 A.M. When the Asst. Supdt. of Police, Adoni checked the Sub-Jail guard at 1-40 A.M. he found the delinquent sleeping soundly. He had to wake him up and other P.Cs. He stated that he was feeling feverish and slept off. But he had never told guard officer, S.W.P.C. 656 anything when he mounted as sentry at 12 midnight.

After the oral enquiry on the main charge was over, a supplemental charge was framed for the accumulation of three punishments during his service, and he was asked to show cause why they should not be taken into consideration in assessing the proposed punishment. As desired by the petitioner a personal hearing was given by the enquiring officer. The enquiring officer held the main charge to have been proved and also recommended that the previous punishments of the petitioner might be taken into consideration in assessing the punishment for the main charge. The petitioner was given an opportunity to submit his further representation, but he did not avail himself of it. The D.S.P., Bellary held that the first charge was proved and that it is a serious one. Taking into consideration the

three previous punishments of the petitioner in the five years of his service, the D.S.P. removed him from service - vide copy of the minute and orders of the D.S.P. at pp. 15-16 cf. The Ex.P.C's appeal to the D.I.G. and petition to the I.G. were rejected in the proceedings at pp. 17 and 19 cf. respectively. p16 cf

3. A copy of the defaulter sheet of the petitioner is at p. 21 cf. The D.S.P's remarks at p. 23 cf. meet the points raised by the petitioner in the petition at pp. 1-9 cf. The petitioner was aged 31 years and had put in a service of 5 years at the time of his removal from service. There was no proceedural irregularity in connection with his removal from service. para 3, p25 cf

4. No appeal lies to Govt. in this case. The petition is liable to summary rejection under instruction XVII (7) of the instructions for the submission of petitions to Govt. p67 of Bk no 145 not put cf.

For orders.

14/7/53

14.7.53

The petr claims that he was suffering from ana and so the active [illegible] para 3 on p-3 cf

Rule 15 cf

Issued as GO RT No. 2536 Home 20.7.53

Reply Rejected

A draft order is subd for approval.

18-7-53 18/7/53

19/7 19/7/53